

REMARKS/ARGUMENTS

Amendments were made to the specification to correct errors and to clarify the specification. No new matter has been added by any of the amendments to the specification.

Claims 1-39 are pending in the present application. Claims 2, 4-11, 13-15, 17-24, 26-28, 30-37 and 39 have been amended herewith. Reconsideration of the claims is respectfully requested.

I. 35 U.S.C. § 101

Claims 27-39 stand rejected under 35 U.S.C. § 101 as being directed towards non-statutory subject matter. This rejection is respectfully traversed.

A claimed computer readable medium encoded with a computer program is a computer element which defines structural and functional inter-relationships between the computer program and the rest of the computer which permits the computer program's functionality to be realized, and is thus statutory. See *Lowry*, 32 F.3d at 1583-84, 32 USPQ2d at 1035. Applicants have amended Claim 27 in accordance with the allowable form of a computer readable media claim as provided by *Lowry*, and thus Claim 27 (and similarly for Claims 28-39) is statutory under 35 U.S.C. § 101.

Therefore the rejection of Claims 27-39 under 35 U.S.C. § 101 has been overcome.

II. 35 U.S.C. § 112, Second Paragraph

Claims 1, 14 and 27 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter, which applicants regard as the invention. This rejection is respectfully traversed.

In rejecting Claim 1, 14 and 27, the Examiner alleges such claims are indefinite as it is not clear 'whether the secondary user device is a device of the first user or a device of the second user'. Applicants respectfully submit, and as explicitly specified in these claims, all recited devices are associated with the first user. For example, Claim 1 recites:

A method for communication between a plurality of devices remotely connected via a network, comprising:
 within an existing instant messaging session on a first user device *associated with a first user*, responsive to user input, initiating a new topic session;
 within the existing instant messaging session on the first user device, responsive to user input on the first user device, selectively causing the new topic session to be replicated on secondary user devices *associated with the first user*; and
 providing a user interface on the first user device which is capable of distinguishing between data intended for the existing and new sessions.

As can be seen, both the first user device and secondary user devices are associated with the same first user. There is no second user recited in Claim 1. Thus, Claim 1 is definite as all devices recited in Claim 1 are explicitly specified as being associated with the first user, as further described in the Specification at page 18, lines 11-19.

With respect to Claim 14, such claim has been amended to further clarify the devices and their associated user/recipient.

Applicants traverse the rejection of Claim 27 for similar reasons to those given above with respect to Claim 1.

Therefore the rejection of Claims 1, 14 and 27 under 35 U.S.C. § 112, second paragraph has been overcome.

III. 35 U.S.C. § 102, Anticipation

Claims 1-8, 12-21, 25-34, 38 and 39 stand rejected under 35 U.S.C. § 102(c) as being anticipated by Malik (U.S. Publication No. 2004/0078445). This rejection is respectfully traversed.

Claim 1 is generally directed to a technique for selectively replicating a user-initiated topic session on other devices associated with the same user who initiated the session. For example, Claim 1 recites “within an existing instant messaging session on a first user device associated with a first user, responsive to user input, initiating a new topic session” and “responsive to user input on the first user device, selectively causing the new topic session to be replicated on secondary user devices associated with the first user”. The cited reference does not teach (or otherwise suggest) such *replication to other devices associated with the same user who themselves initiated a new session*. Instead, the cited reference teaches an ability to forward a *message received* at one user’s device – and the receipt of such message is not a new session *initiated* by a user – to other devices of the user *who received the message*. This can be seen at Malik paragraph [0029] on page 2, where it states:

“[0029] In other embodiments, approaches are presented in which a message-handling IM client may automatically forward incoming IM messages to other IM addresses at which the recipient is present. For example, a recipient may concurrently be logged in using several different IM addresses (e.g., concurrently logged in at a workstation using a first IM address (or account), a cellular telephone using a second IM address, and a personal digital assistant (PDA) using a third IM address). In those instances, *any incoming message to one of the IM addresses may be forwarded to all of the other IM addresses at which the recipient is present.*” (Emphasis added by Applicants)

Quite simply, the receiving and subsequent forwarding of an incoming message does not teach or otherwise suggest (i) initiating a session by a user and (ii) replicating a newly created session to other devices associated with *the same user who initiated such session*. Thus, as every element recited in Claim

1 is not identically shown in a single reference, it is urged that Claim 1 has been erroneously rejected by the Examiner under 35 U.S.C. § 102(e).

Applicants initially traverse the rejection of Claims 2-6 and 12-13 for reasons given above with respect to Claim 1 (of which Claims 2-6 and 12-13 depend upon).

Further with respect to Claim 4 (and dependent Claims 5-7), such claim recites steps of “determining if a recipient has more than one device capable of receiving instant messages” and “selectively sending a message to the recipient’s devices”. As can be seen, per the features of Claim 4 in combination with its independent Claim 1, multiple paired delivery points for a session are provided. In addition to the multiple devices of the first user being a part of multiple messaging sessions, multiple devices of a second user are similarly used in a message transfer, as the message is also selectively sent to a plurality of recipient devices. In rejecting Claim 4, the Examiner states that all features of Claim 4 are taught by the cited reference at page 2, paragraph [0030]. Applicants urge that there, Malik states:

[0030] In other embodiments, any incoming IM message may be forwarded to another IM address at which the recipient was last active. In this regard, if a recipient has been last active at an IM address at a workstation, then any incoming IM to the recipient's PDA may be forwarded to the workstation. Similarly, any incoming IM to the recipient's cellular telephone may be forwarded to the workstation. Thus, for this embodiment, the message-handling IM client is configured to direct any incoming IM message to the last-active location at which the recipient is present, thereby effectively following the recipient to the recipient's most-recently-active IM address. Since the last-active time is maintained by presence servers, the client may request the last-active time from the server using known mechanisms.

As can be seen, this cited passage describes an alternative embodiment to the passage described in paragraph [0029] (which is alleged to teach all features of Claim 1). In this alternative embodiment, instead of forwarding a received message to other IM addresses for the recipient, the message is instead forwarded to a particular IM address for which the recipient was last active. This alternative embodiment does not teach (or otherwise suggest) the features provided by Claim 1 in addition to Claim 4, where not only is a new session that is initiated by a user at one device replicated on another device associated with the initiating user, but in addition a message is sent to multiple recipient devices. In contrast, per the teachings of the cited reference, there are only multiple devices associated with one of the users – with that user being the recipient of the message. Per the teachings of the cited reference, there is no multiplicity of devices associated with both (i) an initiator of a new session and (ii) a recipient, as claimed. Thus, it is further urged that Claim 4 (and dependent Claims 5-7) is not anticipated by the cited reference.

Further with respect to Claim 5, such claim recites “wherein the first user conducts an instant messaging session which was initiated on the first user device with the recipient using one of the secondary devices”. As can be seen, even though the first user initiated the new IM session on the first user device, this new session is conducted with a recipient using one of the other (secondary) devices associated with the first user. For example, a first user may initiate the session using a workstation, but then further conduct the session using another device such as a cell phone or PDA (Specification page 17, lines 2-7). In rejecting Claim 5, the Examiner cites Malik’s description at page 2, paragraph [0030] as teaching of the features of Claim 5. Applicants urge that such passage (which is replicated above in the Claim 4 discussion) describes actions associated with *a recipient of a message*, and does not describe any actions associated with a first user who initiates a new messaging session. The features recited in Claim 5 are specifically directed to other (secondary) devices of the same user (first user) who initiated the new messaging session. Quite simply, a user who initiates a new messaging session, as claimed, is very different from a recipient who may receive a message from such session – they are in effect on opposite ends of the communication session. Thus, a description of actions performed by one (a recipient, as per Malik) does not teach or otherwise suggest actions performed by the other (initiator of a new session by a first user). Thus, it is further urged that Claim 5 has been erroneously rejected under 35 U.S.C. § 102(e) as there are additional claimed features that are not identically shown in a single reference.

Applicants initially traverse the rejection of Claims 27-34, 38 and 39 for similar reasons to those given above with respect to Claim 1.

Applicants initially traverse the rejection of Claims 14-21 and 25-26 for similar reasons to those given above with respect to Claim 4.

Applicants further traverse the rejection of Claims 30-32 for similar reasons to the further reasons given above with respect to Claim 4.

Applicants further traverse the rejection of Claims 18 and 31 for similar reasons to the further reasons given above with respect to Claim 5.

Therefore, the rejection of Claims 1-8, 12-21, 25-34, 38 and 39 under 35 U.S.C. § 102(e) has been overcome.

IV. 35 U.S.C. § 103, Obviousness

Claims 9-11, 22-24 and 35-37 stand rejected under 35 U.S.C. § 103 as being unpatentable over Malik (U.S. Publication No. 2004/0078445) in view of Chen (U.S. Patent No. 6,392,997). This rejection is respectfully traversed.

Applicants initially traverse the rejection of Claims 9-11 (and similarly for Claims 22-24 and 35-37) for similar reasons to those given above with respect to Claim 1, as the additional cited reference to Chen does not overcome the Malik teaching deficiency identified above with respect to Claim 1.

Further with respect to Claims 10 and 11 (and similarly for Claims 23, 24, 36 and 37), Applicants have amended Claim 10 in accordance with the Specification description at page 20, line 14 – page 22, line 12 and as depicted in Figure 6. It is urged that none of the cited references teach or otherwise suggest the message header identifier details that are now recited in such claim, and therefore this amendment further overcomes the obviousness rejection of such claim.

Therefore, the rejection of Claims 9-11, 22-24 and 35-37 under 35 U.S.C. § 103 has been overcome.

V. Conclusion

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,

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